

APR 10 2003
 PATENT & TRADEMARK OFFICE

AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s) Charles L. Asbury et al.			Docket No. UW Asbury
Serial No. 09/847,645	Filing Date May 1, 2001	Examiner D. Vanore	Group Art Unit 2881

Invention: DEVICE AND METHODS FOR DETECTING SAMPLES IN A FLOW CYTOMETER INDEPENDENT OF VARIATIONS IN FLUORESCENCE POLARIZATION

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.
 Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
 A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	18 -	20 =	0 x	\$9.00	\$0.00	
INDEP. CLAIMS	5 -	6 =	0 x	\$42.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>						\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. _____ in the amount of _____
A duplicate copy of this sheet is enclosed.
- A check in the amount of \$410.00 to cover the filing fee is enclosed.
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A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.

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Delbert J. Barnard

 Signature

Dated: April 4, 2003

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I certify that this document and fee is being deposited on <u>April 4, 2003</u> with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.
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#10 1/3 4/15/03

PATENT
Our Docket: UW Asbury

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Asbury et al.)
Serial No: 09/847,645)
Filed: May 1, 2001)
For: DEVICE AND METHODS FOR)
DETECTING SAMPLES IN A FLOW)
CYTOMETER INDEPENDENT OF)
VARIATIONS IN FLUORESCENCE)
POLARIZATION)

Group Art Unit: 2881
Examiner: D. Vanore

I hereby certify that this correspondence
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Delbert J. Bauer
Signature

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed November 6,
2002, entry of this Response and consideration of the Remarks are
respectfully requested.

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REMARKS

Claims 1-19 are pending in the above-identified application.
Claim 19 has been withdrawn from further consideration following
Applicants' election in response to a Restriction Requirement.
Accordingly, claims 1-18 are currently under consideration.

Rejections Under 35 U.S.C. §103

Claims 1, 5, 6, 10, 11, 12, 13 and 18 stand rejected under
35 U.S.C. §103(a) as obvious over Howie et al. (U.S. Patent No.